

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASM INVESTMENT LLC,
Plaintiff,

v.

FRANCISCO ESPARAZA,
Defendant.

Case No. [15-cv-03134-WHO](#)

**ORDER GRANTING REQUEST TO
PROCEED IN IFP; ADOPTING
MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND
REMANDING CASE**

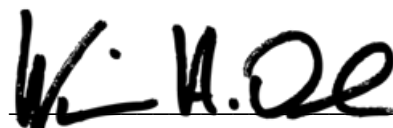
Re: Dkt. Nos. 3, 5

Defendant Francisco Esparaza has filed an application to proceed *in forma pauperis*. Dkt. No. 3. I have reviewed that application and GRANT it.

My next task is to examine the complaint, or in this case the notice of removal, to ensure that the action contains claims that can be pursued in this Court. 28 U.S.C. § 1915(e)(2)(B); *see also Muhammad v. N. Richmond Senior Hous., Inc.*, 15-cv-00629-WHO, 2015 WL 1154209, at *2 (N.D. Cal. Mar. 13, 2015) (granting IFP and remanding case), *appeal dismissed* (Apr. 13, 2015). Magistrate Judge Maria Elena James's Report and Recommendation Re: Order for Clerk of Court to Reassign Case concluded that the complaint, which asserts only one state law claim for unlawful detainer, does not provide any grounds for removal. Dkt. No. 5. I have reviewed the complaint and Judge James's recommendation. Her Report and Recommendation is correct, well-reasoned and thorough, and I adopt it in every respect. Accordingly, the Report and Recommendation is INCORPORATED by reference and ADOPTED in its entirety. This case shall be REMANDED to Contra Costa County Superior Court.

IT IS SO ORDERED.

Dated: August 24, 2015


WILLIAM H. ORRICK
United States District Judge